

REMARKS

Reconsideration of the above-identified application in view of the present amendment and these remarks is respectfully requested.

Claims 1-18 are pending in this application. In an Office Action mailed June 4, 2002, it is noted with appreciation that the subject matter of claims 6 and 11 have been indicated as allowable.

Claims 1-5, 7-10, 12-14 and 18 are rejected under 35 U.S.C. §102 as being anticipated by Dao (U.S. Patent No. 5,808,197). This rejection is respectfully traversed.

Anticipation requires a single prior art reference that discloses each element of the claim. W. L. Gore & Associates v. Garlock, Inc., 220 UPSQ 303, 313 (Fed. Cir. 1983) *cert. denied* 469 U.S. 851 (1984). For a reference to anticipate a claim, "[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention" (emphasis added). Scripps Clinic & Research Foundation v. Genentech Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

It is respectfully suggested that the Examiner is reading a teaching into Dao that is not present, that such a reading is only plausible after having benefit of the subject application, and that there is a clear patentable difference between Dao and the subject claimed invention. Claim 1 of the subject application recites "A system for controlling an

active suspension component of a vehicle and a vehicle occupant protection device of the vehicle." It is the control of both the suspension feature and the occupant protection feature by a controller that is not taught by Dao. The system of the present invention comprises "a controller, said controller being operatively connected to at least one active suspension component of a vehicle and at least one vehicle occupant protection device of the vehicle; and at least one sensor for sensing acceleration of the vehicle along at least one axis of the vehicle, said at least one sensor being operatively connected to said controller to provide at least one signal indicative of vehicle acceleration along the at least one axis to said controller, said controller being operative to control the at least one active suspension component in response to said at least one signal, said controller also being operative to control the at least one vehicle occupant protection device in response to said at least one signal." In accordance with the presently claimed invention, a controller (i.e., a single controller) controls BOTH at least one active suspension component and at least one vehicle occupant protection device.

The Office Action refers to Fig. 12 of Dao and states that "Dao et al discloses a vehicle control processing circuit, which receives the output from one or more accelerometers, and uses this information for control of a system of the vehicle including a suspension system, an air-bag restraint system, and other vehicle systems." This is not correct. First, referring back to Col. 1 and 2 of Dao,

there is a discussion of the use of accelerometers for use with suspension control, braking systems, restraint systems, and roll-over protection systems. There is, however, no discussion of the use of a controller for monitoring an accelerometer and controlling both an active suspension component and an occupant protection device. With specific reference to Fig. 12, two accelerometers 100, 101 are shown connected to a single processing circuit 102. Col. 10, lines 3-6 state that the control processing circuit monitors the outputs from the accelerometers "and uses this information for control of a system of the vehicle." (emphasis added) It is respectfully suggested that one skilled in the art would clearly read this as being control of a single system. Col. 10, lines 8-13 states "The vehicle system which may be controlled by the processing circuit 102 include a navigation system, an anti-lock braking system, a suspension system, an air-bag restraint system, a seat belt restraint system, and a vehicle roll-over indication system." This does not teach that the processing circuit would use the information to control two systems at once from the information from the accelerometers. It is respectfully suggested that such an interpretation is only plausible from hindsight after having benefit of knowledge derived from the present application.

In view of this traversal, it is respectfully requested that the rejection of claims 1-5, 7-10, 12-14 and 18 under 35 U.S.C. §102 as being anticipated by Dao be withdrawn. Also, since claim 18 is dependent on claim 15 (an independent claim), it is not understood how claim 18 can be rejected

under 35 U.S.C. §102 when claim 15 was not similarly rejected. For this further reason, the rejection of claim 18 is believed to be improper and should be withdrawn.

Claim 3 was amended to correct an error in wording noted during review of application for response to the subject Office Action. The dependency of claim 4 appears to be in error and has been changed to claim 2.

Claims 15-17 were rejected under 35 U.S.C. §103 as being unpatentable over Dao, in the alternative Galvin et al. in view of Darby et al (U.S. Patent No. 5,835,873). Two Galvin et al. patents are cited in the Office Action and it is not sure which one of the two references the Office Action is using in the rejection. Neither Galvin patent was discussed in the basis for the rejection which, therefore, makes it impossible to respond. The rejection of claims 15-17 is respectfully traversed.

Darby et al. clearly requires multiple controllers for the control of multiple systems in the vehicle. Claim 15 of the present application recites "A method for controlling an active suspension component of a vehicle and a vehicle occupant protection device of the vehicle, said method comprising the steps of: providing a controller, said controller being operatively connected to at least one active suspension component of a vehicle and at least one vehicle occupant protection device of the vehicle" (emphasis added). Only a single controller is used in the method of claim 15 for control of two different systems in response to "a signal

indicative of vehicle acceleration along the at least one axis to said controller."

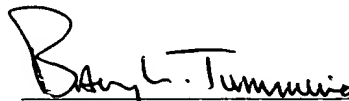
Each system in Darby et al. has an associated controller 1-N for controlling an associated function. Even if Darby were to be combined with Dao, one would still have a system with multiple controllers monitoring associated accelerometers to control a single associated function. Therefore, the presently claimed invention as recited in claims 15-17 (and also claim 18) is patentably distinct from Dao and Darby whether taken singularly or in combination.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

In view of the foregoing, it is respectfully submitted that the above identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

3. The system as defined in claim 2, wherein the at least one axis comprises one of an x-axis of the vehicle, a y-axis of the vehicle and a z-axis of the vehicle.

4. The system as defined in claim ~~3~~ 2, wherein said at least one accelerometer comprises a first accelerometer for sensing acceleration of the vehicle along the x-axis, a second accelerometer for sensing acceleration of the vehicle along the y-axis, and a third accelerometer for sensing acceleration of the vehicle along the z-axis.